



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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LITIGATION BUREAU

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March 4, 2020

BY ECF AND FAX

Hon. Nelson S. Román
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Def'ts' time to serve its proposed motion to dismiss is stayed for 60 days for movant to make the requisite inquiry from NYS Dept. of Parole regarding Pltff's last known address. Clerk of the Court requested to terminate the motion (doc. 16).
Dated: March 6, 2020

SO ORDERED:

Re: Jones v. Quiñones, 19 Civ. 5524 (NSR)

Dear Judge Román:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

This Office represents Defendants Quiñones and Kosseff-Salchert in the above-captioned action, ("Defendants"). I write to respectfully request that an Order to Show Cause be issued, directing Plaintiff to update his mailing address on the ECF Docket Report and show cause as to why the Court should not dismiss this case for failure to prosecute. Should the Court grant this request, Defendants respectfully ask that their time to serve their motion to dismiss, currently due on March 6, 2020, be stayed, *sine die*, pending resolution of said Order.

The ground for this request are that on two occasions mailings sent to Plaintiff was returned to the Court. On July 23, 2019, this Court mailed Plaintiff an Order of Service to the address designated by Plaintiff on the Court's docket, Paris Jones, DIN No. 18A1740, at Bare Hill Correctional Facility, Caller Box 20, 181 Brand Road, Malone, NY 12953. (ECF Dkt. No. 7.) On August 8, 2019, this mailing was returned to the Court marked as "Return To Sender Vacant Unable To Forward, Return to Sender Not Here No Forwarding Address on File." (ECF Dkt. Entry dated August 8, 2019.) On February 5, 2020, this Court mailed Plaintiff an Order with a briefing schedule as a response to Defendants pre-letter motion to the address designated by Plaintiff on the Court's docket, Paris Jones, DIN No. 18A1740, at Bare Hill Correctional Facility, Caller Box 20, 181 Brand Road, Malone, NY 12953. (ECF Dkt. No. 15.) On February 20, 2020, this mailing was returned to the Court marked as "Return to Sender - Not Deliverable as Addressed - Unable to Forward (Not Here)." (ECF Dkt. Entry dated February 20, 2020.)

Based on Plaintiff's failure to update his address since his release from the Department of Corrections and community Supervision ("DOCCS") custody some months ago, and in the interest of both judicial economy and conserving the resources of this Office, we request that the Court issue an Order to Show Cause and stay, *sine die*, Defendants' time to serve their motion to dismiss.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Jessica Acosta-Pettyjohn

Assistant Attorney General

jessica.acosta-pettyjohn@ag.ny.gov

cc: Paris Jones, DIN 18-A-1740
Bare Hill Correctional Facility
Caller Box 20
181 Brand Road
Malone, NY 12953
(First Class Mail)

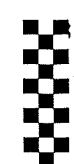
DECLARATION OF SERVICE

Jessica Acosta-Pettyjohn, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

That on March 4, 2020, I served a copy of the annexed Letter Requesting an Order to Show cause on the Plaintiff by having it mailed via the United States Postal Service to the following address:

Paris Jones
DIN 18-A-1740
Bare Hill Correctional Facility
Caller Box 20
181 Brand Road
Malone, NY 12953

/s/
Jessica Acosta-Pettyjohn
Assistant Attorney General
Executed on March 4, 2020



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TRANSMISSION**

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
Letitia James

To: Judge Nelson S. Roman

Fax Number: (914) 390-4179
Voice Number:

From: Jessica Acosta-Pettyjohn
Fax Number: 2124166075
Voice Number: 2124166551

Date: March 04, 2020

Subject: Jones v. Quinones, 19 Civ 5524 - Defendant's letter motion to stay
Total Pages: 4 Defendants' time to serve their motion to dismiss pending Order to Show Cause

Memo:

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